



**Hoopa Valley Tribal Council
Natural Resources Division
Fisheries Department**

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May 29, 2008

Ms. Delores Brown
delores@water.ca.gov.
Chief, Office of Environmental Compliance,
Department of Water Resources,
P. O. Box 942836, Sacramento, CA 94236

**Comments of the Hoopa Valley Tribal Fisheries Department in regards to the Bay Delta
Conservation Plan Notice of Preparation**

Dear Ms. Brown:

I am writing today to provide comments in regards to the Bay Delta Conservation Plan Notice of Preparation. The Hoopa Valley Tribe is a native sovereign nation with Reservation lands located along the Klamath and Trinity Rivers in northwestern California. The Fisheries Department of the Hoopa Valley Tribe was formed to protect and restore fisheries depended upon for millennia by tribal members. The Fisheries Department is writing today to communicate that the scope of the Bay Delta Conservation Plan (Plan) must be broadened to explicitly address potential impacts to tribal trust assets including Trinity fish populations.

The Tribe has vested property rights in the Trinity River fishery that the United States holds in trust. Section 2 of the legislation authorizing the Trinity River Division (Act of August 12, 1955, ch. 872, 69 Stat. 719) makes Trinity River diversions and operations of the CVP subject to the needs of our fishery. See also Memorandum to Assistant Secretary, Land and Water Resources from Solicitor, Subject: Proposed contract with the Grasslands Water District at pp. 3-4 (December 7, 1979). In 2000, The Secretary of the Interior and the Tribe concurred in a record of decision (ROD) that includes a plan to restore the Trinity River fishery. That concurrence triggered a statutory mandate for the Secretary to implement and fund the ROD according to its terms.



PACIFIC LAMPREY



STEELHEAD



GREEN STURGEON

The Plan contemplates actions with potential impacts to the Trinity River, its fishery resources, and the Tribe's vested property rights. The goals of the Plan must explicitly include implementation in a manner that complies with applicable federal Indian trust responsibilities including legal requirements to restore and maintain Trinity River salmon populations to historic pre-dam levels. Considering the Tribe's authority under the Trinity ROD, we request an opportunity to directly participate in the development of the subject EIS to ensure protection of Trinity River resources.

Sincerely,

GEORGE KANTSKY
for,

Mike Orcutt, Director